

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES
NEW YORK BRANCH OFFICE**

TRADE OFF, LLC

and

**LOCAL 79, CONSTRUCTION
AND BUILDING LABORERS**

**Cases 02-CA-199415
02-CA-205658
02-CA-212872**

**TRADE OFF, LLC AND HUMPRHEY
RICH CONSTRUCTION GROUP, INC.,
AS JOINT EMPLOYERS**

and

**LOCAL 79, CONSTRUCTION
AND BUILDING LABORERS**

02-CA-203161

**TRADE OFF, LLC, AND TRADE
OFF PLUS, LLC, AS SINGLE AND/OR
JOINT EMPLOYERS**

and

**LOCAL 79, CONSTRUCTION
AND BUILDING LABORERS**

02-CA-207414

Order Postponing Hearing

The trial in the above-captioned matter was originally scheduled to resume on November 5, 2018 for the completion of the General Counsel's case and beginning of the Respondent's case. However, by email on November 3, 2018, Respondent's counsel reported that his main witness, Justin Hagedorn, was unable to attend the hearing because of a back problem which made it difficult for him to sit or bend. Respondent's counsel attached an "Excuse Slip" from chiropractor Jeffrey Stanger, D.C. dated November 2, 2018.

Accordingly, on November 5, 2018, the General Counsel closed its case and the Respondent did not proceed to present evidence in support of its case. Rather, the hearing was adjourned as previously scheduled to the next hearing dates, November 14-16, 2018. Respondent's counsel was directed to notify the parties if Hagedorn's condition did not improve and there might be an issue with him testifying on November 14.

By email on Veteran's Day, November 12, 2018, Respondent's counsel reported that he reached out to Hagedorn on November 11 and determined that Hagedorn was not able to attend the hearing this week. Respondent produced another excuse slip from Stanger and offered to allow me to call Stangler, but otherwise produced no medical records from a treating M.D. in support of the position that Hagedorn was unable to attend the hearing.

On November 13, 2018, a conference call was conducted and Hagedorn reported that he has pain while sitting and, particularly, driving (which is how he was commuting to the hearing). Hagedorn reported that he did not go to see anyone other than Stanger about his medical condition until he went to a City MD the night of November 12, 2018. Respondent's counsel was advised by me that he should be prepared to put on any witnesses or evidence other than Hagedorn during the trial dates currently scheduled (November 14-16, 2018). Respondent's counsel advised that there is no evidence he intends to present this week. I notified the parties that the hearing would be adjourned to December 6-7, 2018 solely for the purpose of taking testimony from Hagedorn and proceeding to any rebuttal by the General Counsel and/or Charging Party Union.

Although the Respondent has not established in a timely manner to my satisfaction that Hagedorn is unable to arrive and testify on November 14 as previously scheduled, given that his testimony constitutes the entirety of the Respondent's case, I consider this adjournment to be the best course of action.

No additional adjournments will be granted except upon extraordinary circumstances.

Accordingly, it is hereby ORDERED that the trial is adjourned and will resume December 6, 2018 for the limited purposes set forth above.

Dated this 13th day of November, 2018
at New York, New York.

/s/ Benjamin W. Green
Benjamin W. Green
Administrative Law Judge